

East Greenwich Fire District
284 Main Street
East Greenwich, Rhode Island 02818
Telephone: 401-886-8686 or Fax: 401-886-8692

Date: December 20, 2012

1. The regular meeting of the East Greenwich Fire District was called to order on December 20, 2012, at 7:00 p.m., by Chairman Daly.

a. Chief Hendrickson led the Pledge of Allegiance to the American Flag.

2. Members Present

- a. William Daly, Chairman**
- b. Stephen Bartlett, Vice Chairman**
- c. Mark W. Gee, Commissioner**
- d. Mark Schwager, Commissioner**
- e. Philip Higgins, Commissioner**

Other Members Present

- a. Peter Henrikson, Chief**
- b. Scott Spear, Legal Counsel**
- c. Janice J. Peixinho, Fire District Clerk**

Members Absent: Deputy Chief McGillivray and Treasurer Hundley

3. Commissioner Daly determined a quorum on record.

4. Public Comment

Douglas Axelsen 12 Laurel Lane, EG

Mr. Axelsen stated he was here to speak about article number 7(c); he stated that he had some experience with the Fire District and the Town and he was looking for a clear clarification as to the referendum vote regarding merging the District into the Town of East Greenwich. He asked that the Fire District get an explanation from the Town Council and the Manager as to what the purpose of this is for, what benefits would be coming from it and what possible gains would be coming out of it. As taxpayers and voters we are entitled to that information. He is concerned that there is some other agenda going on here other than what it is stated for and he is requesting that the Fire District get this information for the taxpayers. The taxpayers deserve to know what this is all about because there has been no explanation about this. Mr. Axelsen stated that he did not believe that the taxpayers understood what this was all about at the time it was put on the ballot. He said that the Fire District is a very “well run” organization and thanked the Commissioners for doing a “good” job. Commissioner Daly thanked Mr. Axelsen for his comments and stated it will be further discussed later that evening on the agenda.

Jean Dumas stated that he would like to hear a lot more from the Town on the merger of the Fire District into the Town. What savings would this bring to the Town and what the Legal process would cost the taxpayers.

5. Correspondence

a. Councilor Isaacs submitted a memo dated November 13, 2012 from Lisa

Bourbonnais, Town Planner to the Town Council regarding the minutes approved at the October 3, 2012 joint meeting. The memo was in respect to the draft Comprehensive Plan and the process of updating and adopting the plan by the Town Council. (Refer to letter attached to the 10/03/2012 minutes) No vote or action taken on this issue.

6. Consent Agenda

a. Treasurer's Report (refer to Year to Date: November 30, 2012)
Treasurer Hundley was not in attendance but the Commissioners did review the budget as presented.

The report submitted by the Treasurer stated that the current year tax collections totaled \$2,133,000.00 through December 13, 2012. He stated in the report that approximately \$297,000.00 of the first and second quarter taxes till receivable was down significantly from the same time frame last year. The Warwick payment has been received.

Analysis of Reserve Accounts:

Impact Fee Account	\$456,693.58
Capital Project Account	\$988,108.75
Smokes Account	\$ 5,911.39
Rose Trust	\$237,729.64
OPEB Reserve	\$148,902.00

Commissioner Bartlett 1st moved to approve the Treasurer's report as submitted, Commissioner Higgins 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

b. Chief's Report (Refer to Chief's report dated: December 13, 2012)

The Chief's report consisted of:

- Manpower Readiness Levels: (a Lt. is out with shoulder surgery and another FF out for elbow injury)**
- Safety Officer – no report.**
- Planning Committee – agenda item**
- Capital Project**

The Chief stated that Mr. Bamberry from the DPW would assist the District in preparing an "RFP" for the flooring. A meeting is scheduled on December 27, 2012 with Mr. Sequino to discuss the issue, would conduct a walk through, where they stand and what it

looks like and also to draft a plan going forward. Mr. Sequino has asked the Chief to draft a document in reference to all of this.

- Incidents – no report.
- Apparatus (RFP for new rescue prepared and bids submitted as follows; NEFE for \$205,928.00, Ladder -1 back in service from body work)
- Dive Team – no report
- Training – (Live fire simulator at Station 1 had extensive repairs done by the company who built it)
- EMS (report attached as to where rescue responds to assisted living, walk-in clinics and medical facilities as of December)
- Health & Wellness – no report.
- General

A presentation for the residents of Shoreside Apartments about the hazards of smoking fires was put on at the request of the Housing Authority. Also, a meeting took place with the Town Manager and Frank Prosnitz about detail FF at the Odeum. The possibility of joint dispatch in the EG police department- refer to attached report of 2007. The Chief stated this is all preliminary discussions at this time.

- Personal –related Matters – no report.
- Monthly Statistics for November 2012 - attached.
- Overtime Report – attached.

There was some discussion regarding the overtime account. The Chief stated that as the vacancies increased over the months due to resignation, retirements and injuries, the months of July and August shows a significant amount of overtime paid. He said that with the

hiring of the new recruits the vacant positions would be filled to help in decreasing the overtime expense. The Commissioners spoke about the concerns of tracking the savings, benefit cost and future expenditure of overtime with the hiring of the new recruits to fill the vacancies.

Commissioner Higgins 1st moved to accept the Chief's report as presented, Commissioner Bartlett 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

7. New Business

a. Discuss and Vote upon what action, if any, should be taken regarding the OPEB report prepared by GRS (Gabriel Roeder Smith & Company Consultants & Actuaries)

Commissioner Daly stated that the report looks at the lifetime value of the OPEB benefits. Commissioner Higgins stated that the District has approximately 15 years before the obligation and liability will actually affect the District. There was no discussion at this time but, Commissioner Schwager asked if the Company could be invited to speak to the BOFC to answer the questions regarding; lifetime value of medical benefits for all employees, age of retirement, when to move employees to Medicare, spouses are not covered for health benefits, liability accruing and the challenge it will take to put the money aside each year. Commissioner Gee stated that the Fire

District was not alone with this problem. There are other Fire District and Municipalities and it would seem that the GASB rule becomes effective fiscal year 2014-2015 but the visibility of this problem gradually sinks in with people who are not concerned but you would think it would sink in with the people of a higher level meaning the General Assembly and that they would be able to realize that this is a huge problem and it needs to be addressed. It would be curious to see if the issue is addressed this year in the General Assembly. Commissioner Daly stated that the Treasurer has put together his own analysis of the report and that it will be discussed at a later date. No vote or action taken.

b. Discuss and Vote upon what action, if any, should be taken regarding the waiving of Impact Fee for Affordable Housing

Commissioner Daly stated that he asked this be put on the agenda. He said that the fee for the affordable housing is approximately \$1,200.00 per unit and it would not affect the bottom line. The Clerk stated that the cost of the unit is based on household income not the appraisal of the unit. Ms. Peixinho stated that she receives the information from the Town Housing Authority. Commissioner Gee agrees with the action of waiving the fee for affordable housing but he does not agree with what the Town Council has done with the commercial building and asked that the Fire District not touch the commercial rate. Legal Counsel stated it is strictly for affordable housing units. Commissioner Daly stated "yes". No other discussion.

Commissioner Daly 1st moved to waive the Impact Fee for affordable residential housing units, Commissioner Bartlett 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

c. Discuss and Vote upon what action, if any, should be taken by the Commissioners in response to referendum regarding merging the District into the Town of East Greenwich.

Commissioner Daly entertained a motion to oppose the merger of the EGFD into the Town for the following reason;

- The merger will not reduce in any meaningful measure the expenses in regard to delivery of fire and rescue services to the taxpayers and the Town.**
- The merger process would unnecessarily cause the District and Town to spend taxpayer dollars on professional fees to effectuate the merger.**
- The merger would erode and dilute the financial and managerial oversight of the District from a five (5) member independent elected BOFC whose sole and only responsibility is to the District to a five (5) member elected TC which already governs the financial and managerial oversight of the entire Town.**
- The merger would place significant additional burdens on the Town Manager.**
- Following a merger, the issues of public safety in regards to fire**

fighting and prevention as well as emergency response services would become hostage to financial pressures created by town-wide financial decisions of the TC.

- **Criticisms by some TC members of the process by which Commissioners are elected to the BOFC, and the approval of the District budget, could be remedied by amendments to the Charter and By-Laws. While there has not been any evidence to establish that these criticisms have had the negative effect implied by the critics, the Commissioners have agreed to undertake a study of possible revisions.**

- **The Commissioners reject the notion expressed by some Council members that having a FD and Town are the equivalent of two (2) governments. The District and Town have merged and consolidated functions wherever possible. The District and the Town continue to study the functions to determine if any additional efficiencies can be implemented. The only remaining difference is independent oversight by separate elected officials and that separation is without significant cost to the public and in the best interests of the public.**

- **Given the foregoing, eliminating proven oversight and accountability in the name of progress and changed is unwarranted. Commissioner Daly 1st, Commissioner Bartlett 2nd, open for discussion;**

Commissioner Schwager asked if the joint meeting with the Town Council was going to take place on February 4, 2013. Commissioner Daly confirmed the date, time and place; swift gym. Commissioner

Schwager then stated his concern with passing this motion would interfere with discussions with the Town Council and that it would be premature at this time to pass the motion before trying to clarify what are the intentions of the Town Council. Commissioner Bartlett said that the Fire District has tried to understand and has tried to get answers but it seems throughout this whole process that the Town Council does not want to sit down with the Commissioner's to discuss it. Commissioner Bartlett feels it is a statement that needs to be read. Commissioner Daly stated that he spoke with Councilor Isaacs and that Councilor Isaacs wanted to express upon to the Commissioners that there has been no motion at this time by the Town Council of going forward to initiate a vote at the General Assembly but only that the Town's Legal Council and the Manager was to move forward to contact the Fire District to draft something to bring forward on the 4th, of February. Commissioner Daly stated that what is being done tonight would not preclude the BOFC sitting down with the Town and discussing and providing information on the District. The District has not had any opportunity to put forth the position of the Fire District in a meaningful way. No one has articulated to him or the taxpayers the benefit of doing this and this is to put forward the District's position. Commissioner Schwager stated that putting this in a form of a motion is not the best way but would only acerbate tension and the response from the Town between the Council and the District and it would not benefit the public. He stated that he did not think it protects us going forward but it would make it more difficult and the Town could choose to go forward without the

District. Legal Counsel Spear stated he would like to just put something out there for discussion and that the motion could be amended to read that the Fire District would be open and willing to further discussion and to study the issue in greater detail and to find out what the exact issues are that the Town Council has raised for purposes to explore all avenues of resolutions to coming to terms with the Town. Outline the positions publically stated and to let the Town know that the District was willing to discuss all issues. Commissioner Gee agreed with Commissioner Schwager and he thinks if the District takes this kind of approach, it will do nothing but speed up the process, which some of the Commissions feel is not warranted. He stated he was sorry that the District cannot maintain an open mind on this and be willing to sit down with the Town Council and look at the options. Ultimately, the taxpayers have expressed an opinion whether it was clear or not clear at the time but the referendum was perfectly clear. He stated that he did not want to debate tonight the merits or demerits of the proposal and that he would be very sorry tonight to see the District pass this resolution which essentially says we are not open to discussion. "He stated that we have our game and you have yours and essentially you have no right to interfere in what we are doing and we are going to do it our way". He would like to see that the Fire District work in a more positive way. Commissioner Gee said that as Commissioner Schwager stated it will only acerbate the issue and he would like to resolve these issues. Commissioner Higgins asked if any resolution has been passed to have Legal Counsel write the law to be passed by

the Town Council. Commissioner Daly stated that has not been done as yet but the Town Council would like Legal Counsel to sit down with the Chief, a BOFC member and Legal Counsel to come up with the Legislature. Legal Counsel Spear stated that you need to be creative. He then gave options; agree to merger and take appropriate steps and be done with it, agree to the merger but do it in such of way to try to salvage certain oversight and operate differently, or try to obtain through Legislature a Board of Fire Commissioners continue to meet as you do now and to be appointed by the Town Council or elected; oppose the merger, move forward to eliminate some of the ways you do business; annual meeting, elections, etc., but you will need to approach the Legislature to amend the By-laws and the Charter, formatting to decide rather than making decision on your own and put out there a non-binding referendum or a binding referendum, continue on a format try to identify what the issues are pro and con or take no action. Commissioner Bartlett asked if the Town has basically put a vote that the Town's Legal Counsel and Sequino begin talks and to move ahead. The Counsel feels that they do not need to have any discussion with the District. Commissioner Daly stated correct. Commissioner Bartlett then reiterated "so basically the Town is going forward and they do not need to have any discussion with the Commissioners". He then asked "if the Commissioners could delay the motion until after the 4th of February and to have discussions with the Town"? He then stated "if the Town does not need to discuss anything with the District then District could vote on the resolution afterwards". Commissioner Gee stated that he

was not aware other than what he read in the paper that the Town had taken any constructive steps to do anything. Commissioner Daly spoke with Councilor Isaacs to bring back ideas as to some of the creative approaches that the District's Legal Counsel has outlined here tonight and that the Town Council would have some type of oversight over the District. Commissioner Daly wants to go forward with discussions. Commissioner Higgins stated this motion does that but did ask if the word opposed be changed to discussion. He stated that the concerns of the merger need to be discussed and what is the impact. He had concerns on the merger. Commissioner Bartlett then asked Councilor Bishop (who was in the audience) to come forward and he stated that he did not want to put Councilor Bishop on the spot but wanted to ask him what was proposed at the previous Town Council meeting. Councilor Bishop stated that the Town Council was asking that the attorneys meet to draft documents to put forward. Commissioner Daly asked if that would include other options. Councilor Bishop stated that it was not ruled in or out. Commissioner Bartlett stated that he feels "a train is on a track and it is going right through the District". That it is very deliberate, it's got a mission. Commissioner Bartlett has heard both sides but has not heard a lot of discussions of the reason why for the merger. Those are still some of the questions out there as to why it is not clear why the Town Council is pushing this agenda or pursuing this action. Councilor Bishop stated it would be best for the Council and the Commissioners to leave that open for further discussion. There was some discussion before the October meeting and then the

referendum was put on the November ballot as a non-binding referendum. Commissioner Bartlett asked if there was ever a study done looking into the benefits of the District remaining independent. Councilor Bishop stated he did not know, and Commissioner Gee stated the same. Commissioner Gee then stated that the preclusion given and certain people who feel there are alternative motives and what is the reason for this and he does not feel the Town Council has preconceived motives and does not think the Town Council wants to see the District done away with but he thinks the Town Council wants to look at the factors simply like the charges item given to the District's Planning Committee last year. He stated that it does not hurt the District or the Town Council but it benefits the taxpayer to have civil discussion about the merits of the case. It may be that after the discussions that the results would be everything should remain the same. He said that he would hate to rule out the potential for discussion because simply we feel it is a front to our territory or an attack on our power, Commissioner Bartlett interrupted and stated that he took offense to Commissioner Gee's comment on attack on our power and Commissioner Bartlett calls it good government and not a power play, and Commissioner Gee asked that his comment be "stricken from the record and replace with "good government". Commissioner Daly withdrew his motion and tabled it for discussion after February 4th, 2013 at 6:30p.m. Legal Counsel Spear stated that Mr. Sequino has sent an email Legal Counsel Spear requesting information that will be discussed at a meeting prior to February 4th. Commissioner Daly asked that he be included in that meeting with the

Town Manager. Commissioner Gee stated the options given are reasonable and it gives the District a place to go. Legal Counsel Spear would contact Mr. Sequino. No vote or action taken at this time.

d. Discuss decision of Board of Elections in regards to complaint, vote on findings and grant authority to Chief to execute Agreement.

Legal Counsel Spear stated that the Board of Elections issued a warning and no fine was imposed regarding the expenditure of \$1,945.00.

The Chief would need to execute the agreement of the Board of Elections finding.

Commissioner Daly entertained a motion, to approve that Chief Henrikson execute the agreement for the Board of Election issuing a warning for the expenditure of funds in the amount of \$1945.00, Commissioner Bartlett 1st, Commissioner Higgins 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

8. Old Business:

a. Discuss and Vote upon what action, if any, the course of action on the Warwick Dispatch – This item was fully discussed and debated as to how to handle the matter, refer to audio for full disclosure of discussion. It was then decided that the Chief would contact the City of Warwick to find out where the Warwick/East Greenwich Dispatch stand. The Chief would provide further information at the next meeting.

b. Discuss and Vote upon what action if any, Agreement between Town and Fire District for services rendered. (Refer to full agreement on file with the Town and Fire District dated: 12/20/2012)

Commissioner Bartlett 1st moved to authorize Chairman Daly to enter into an Agreement whereas, the Town and the District desire to consolidate the systems, procedures and facilities each employs in regards to tax billings, collections, payroll and accounts payable with the intent of cost reductions, providing greater efficiency and simplifying such processes and procedures for the taxpayers and the Town through its Tax Collector without charge to the Fire District, Commissioner Higgins 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

c. Discuss and Vote upon what action, if any, for premium payments regarding “Bonding” District & Municipal Personnel

1. VFIS Insurance Carrier for Fire District

The Chief provided a copy of the change for increasing the blanket

“bond” for the Tax Collector/Treasurer, Chief Tax Clerk and Fire Marshal in the amount of \$150,000.00 for an addition premium payment of \$144.00.

Commissioner Bartlett 1st moved to increase the “Bonding” in accordance with the By-Laws, from \$100,000.00 to \$150,000.00 for an additional premium in the amount of approximately \$144.00, Commissioner Gee 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

2. American Alternative Insurance Corporation for Municipal (Premium Waived)

The Commissioners did not discuss this because the premium was waived and it was at no cost to the Fire District.

The Clerk stated that an e-mail was received from Cynthia Harrington of the Hub International New England LLC, representing the Town’s Insurance Carrier for “Bonding” stating that the additional premium was waived from the insurance carrier for 3 (three) employees of the Town’s Finance Department clerical staff and the Accounting/Budget Manager in the amount of \$150,000.00 each.

There was not vote or action taken on this item.

d. Discuss and Vote upon what action, if any for the APR Policy (access to public records). Discussed and voted on the policy at a

previous meeting.

e. Discuss/Consider or Act upon with decision what action, if any for the proposed By-Law changes.

Commissioner Higgins submitted a list of recommendations for “By-Law” changes that he and Commissioner Gee had been working on to bring back to the Board. The following was a list of proposed ideas at this time.

Commissioner Higgins stated that the “By-Laws” should be amended for any interested EG registered voters, requiring declaration of intent to seek election to the BOFC at least 60 days prior to the annual meeting. The BOFC should establish the method of public declarations of the intentions to run for the BOFC, in a manner consistent with the requirement of any other public official running for office. The candidate could still choose to participate or not participate with the Nominating Committee. At the annual meeting, the nominations for the BOFC would be made by the Nominating Committee and also could be made from the floor but only for declared candidates. Commissioner Gee also agreed with the Planning Board’s recommendation, except that he believed the election of Commissioners should be held along with the Town Officials as part of the bi-annual general elections in November. Obviously this idea would not allow any candidates to be nominated from the floor. The Planning Committee also stated that they had hoped the local news outlets would include candidates’ biographies

and positions in an effort to inform the voting public of their qualifications and to allow the informed voter to attend the annual meeting and vote for or against certain candidates. Commissioner Bartlett asked that this item be tabled until the next meeting. No vote or action taken.

f. Appointments:

**Discuss and Vote upon the appointments for 2 year terms to the
FD Planning**

Committee

- 1. Carl Hoyer**
- 2. David Dumas**
- 3. Thomas Bacon**
- 4. Kathy Mullaney**
- 5. Joseph Cardello**

Commissioner Bartlett 1st moved to appoint Carl Hoyer, David Dumas, Thomas Bacon, Kathy Mullaney and Joseph Cardello each to a two (2) year term on the Fire District Planning Committee, Commissioner Gee 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

**g. Discuss and Vote upon what action, if any, for update on FD
Planning**

Committee “charge items” – Tabled until next meeting.

9. Minutes of the previous meetings

Discuss/ Consider or Act Upon with Decision

a. Approve October 15, 2012 joint meeting TC/EGFD

a. Approve November 15, 2012 Regular Meeting

Commissioner Gee 1st, moved to accept the minutes of the October 15, 2012 joint meeting TC/EGFD and the November 15, 2012 regular meeting, Commissioner Bartlett 2nd, Vote

5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

10. Public Comment

Commissioner Bartlett thanked Councilor Brad Bishop for attending the Fire District meeting. He stated that this was the first time any Councilor has attended a meeting since he was elected to the BOFC. Commissioner Daly agreed.

7. Executive Session

Commissioner Daly moved to convene the members into Executive Session in accordance with RIGL §42-46-4 and §42-46-5(a)(1)(2)(4) to Discuss/Consider or Act upon with decision regarding the update of Contract Negotiations with Local 3328, 1) Health Insurance Proposal, Discuss/Consider or Act upon with decision on the Deputy Chief's Contract and Discuss/Consider or Act upon with decision on the

Administrative Assistant position and duties Commissioner Higgins 1st, Commissioner Bartlett 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

Commissioner Daly reconvened the members of the Board into open session and to keep the minutes sealed regarding the update of contract negotiations with local 3328, Deputy Chief's contract and administrative assistant position duties, Commissioner Bartlett 1st, Commissioner Gee 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried .

Roll Call: Commissioner's Gee, Bartlett, Daly, Higgins and Schwager. Also present was Legal Counsel Spear, Chief Henrikson, Deputy Chief McGillivray and Clerk Peixinho.

11. Adjournment

Commissioner Daly moved to adjourn the meeting at 9:03 p.m., Commissioner Bartlett 1st, Commissioner Gee 2nd, Vote 5-0, Gee – yes, Bartlett – yes, Daly – yes, Higgins - yes and Schwager – yes, Unanimously Accepted, motion carried.

Attest:

A True Copy;

Respectfully submitted,
Janice J. Peixinho

Janice J. Peixinho
EGF District Clerk